

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ZAVIA L. JOHNSON

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)

1:12cr00070-001

**Electronic Filing**

**MEMORANDUM ORDER**

AND NOW, this 6<sup>th</sup> day of December, 2016, upon due consideration of defendant's motion in limine pursuant to Rule 403 and Rule 404(b) and the parties' submissions and arguments in conjunction therewith, IT IS ORDERED that [73] the motion be, and the same hereby is, granted. The proffered chain of inferences falls short of what is needed for admission under United States v. Sampson, 980 F.2d 883, 886 (3d Cir. 1992), and its progeny in that in each instance the evidence is little more than a thinly veiled attempt to show that defendant acted in conformity with his prior bad acts. And when considered in conjunction with the entirety of the evidence the government will be able to introduce regarding the issues of knowledge and intent, the added probative value of the prior convictions beyond the impermissible purpose of acting in conformity therewith, if any, is substantially outweighed by the potential for undue prejudice from the use of such prior convictions.

s/David Stewart Cercone  
David Stewart Cercone  
United States District Judge

cc: Marshall J. Piccinini, AUSA  
Thomas Livingston, AFPD

United States Marshal's Office  
United States Probation Office

*(Via CM/ECF Electronic Filing)*